IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7944 of 1999

Between:

M. Abraham S/o. BalannaN aged 31 years, Scavenger/Sweeper, M.S.Junior College (High School Section), Gooty Anantapur District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep. by its Secretary, Education Department, Secretariat Buildings, Hyderabad.

2 The Commissione & Director of School Education, Govt. of A.P., Saifabad, Hyderabad.

3 The Regional Joint Director of School Education Cuddapah.

4 The District Educational Officer, Anantapur

5 The Correspondent, M.S. Junior College, Gooty, Anantapur district.

6 The Secretary, Education Board, C.S.I. Rayalaseema Discese Mydukuru, Cuddapah district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass orders, particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents in not regularizing the petitioner's services as arbitrary, illegal, and violative of Articles 14, 16 and 21 of the constitution of India, and

contrary to the policy of the Government expressed in G.O. Ms. No. 212, Finance & Planning Department, dated 22-4-1994 G.O. Ms. No:301 Education dt 25-9-97 and consequently direct the respondents to regularize the petitioner's services as Scavenger, and grant such other relief as this Hon'ble High Court may deem fit and proper.

Counsel for the Petitioner: MR.K. JAGANMOHAN REDDY

Counsel for the Respondent Nos. 1 to 4: GP FOR SCHOOL EDUCATION

Counsel for the Respondent Nos.5 and 6:None appeared

The Court made the following:

ORDER

Heard the learned counsel for the petitioner and also learned Government Pleader appearing on behalf of the respondents 1 to 4. None appears for the respondent Nos. 5 and 6.

The petitioner who claims to have been appointed as Scavenger files this Writ Petition *inter alia* seeking for a writ of Mandamus to declare the action of the respondents in not regularizing the services of the petitioner as violative under Articles 14,16 and 21 of the Constitution of India and also being contrary to the G.O.Ms.No.212, dated 22-4-1994 and G.O.Ms.No.301, dated 25-9-1997.

The case of the petitioner is that even though he was appointed as Scavenger as long back as on 1-8-1992 and subsequently he was converted into Last Grade Service, his services were not regularized and no benefits were given to which he is entitled. Further, it was also pointed out that in spite of the direction issued in the aforesaid G.O.Ms.No.212, dated 22-4-1994 and G.O. Ms.No.301, dated 25-9-1997 and the proposals have been sent by the Management, no action is taken by the respondents. Hence the Writ Petition.

The learned Government pleader appearing on behalf of the respondents filed counter affidavit and submits that the very appointment of the petitioner is contrary to the procedure as contemplated under G.O.Ms.No.524, dated 20-12-1988 and therefore, the petitioner cannot claim any right as such.

Having heard the counsel on either side and on perusal of the record, it is seen that the petitioner has been appointed as Scavenger on 1-8-1992 and subsequently he was converted into Last Grade Service. It is also seen that earlier the Management has sent a letter dated 11-8-1992 for approval of the said appointment which was subsequently found to be not in proper format. Therefore, the Management appears to have sent another application for such approval and the same is still pending.

Having regard to the fact that the proposals have already been sent by the fifth respondent to the concerned authorities, it is not necessary to go into the merits of the claim of the petitioner and the objection raised by the respondents herein at this stage. It would suffice, in the interest of justice, to direct the respondent Nos. 1 and 2 to consider the proposals and pass appropriate orders in accordance with law.

Accordingly, the Writ petition is disposed of. However, it is open for the fifth respondent to file fresh proposals for such approval or for regularization of services as claimed by the petitioner and the respondents 1 and 2 shall dispose of the same on merits within a period of two months from the date of the receipt of fresh proposals. No costs.

19-01-2005.

Hsd

Asst. Registrar

To

1 The Secretary, State of Andhra Pradesh, Education Department, Secretariat Buildings, Hyderabad.

2 The Commissione & Director of School Education, Govt. of A.P., Saifabad, Hyderabad.

3 The Regional Joint Director of School Education Cuddapah.

4 The District Educational Officer, Anantapur

5 The Correspondent, M.S. Junior College, Gooty, Anantapur district.

6. 2 C.Cs to G.P. for School Education, High Court Buildings,

Hyderabad (OUT)

7. 2 C.D. copies